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10 Attorneys for the California Public Utilities Commission and
11 Marybel Batjer, Martha Guzman Aceves, Clifford Rechtschaffen,
12 and Genevieve Shiroma, in their official capacities as
13 Commissioners of the California Public Utilities Commission

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 vs.

20 PACIFIC GAS AND ELECTRIC COMPANY,

21 Defendant.

Case No. 14-cr-00175-WHA

**CPUC MOTION FOR LEAVE TO FILE
AMICUS LETTER**

Hearing Date: 02/03/2021

Time: 8:00 am

Courtroom: 12, 19th Floor

Judge: Hon. William H. Alsup

1 The California Public Utilities Commission (“CPUC”) hereby seeks leave of the
2 Court to file an *Amicus* letter regarding the new proposed terms of probation for defendant
3 Pacific Gas and Electric Company (“PG&E”). Federal courts have inherent authority to
4 entertain Amicus briefs. *In re Bayshore Ford Truck Sales, Inc.*, 471 F.3d 1233, 1249, n.34
5 (11th Cir. 2006).

6 The CPUC’s proposed letter is attached hereto as **Exhibit 1**.

7
8 Respectfully submitted,

9
10 February 2, 2021 By: /s/ Christofer C. Nolan
11 AROCLES AGUILAR
12 CHRISTINE JUN HAMMOND
13 CHRISTOFER C. NOLAN

14 Attorneys for the CALIFORNIA PUBLIC
15 UTILITIES COMMISSION
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EXHIBIT 1

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



February 2, 2021

VIA ELECTRONIC MAIL

Honorable William H. Alsup
United States District Court
Northern District of California
Courtroom 12 - 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Amici Proposed Term of Probation in Case No. 3:14-cr-00175-WHA

Dear Judge Alsup,

Before the Court are six new conditions of probation for defendant Pacific Gas and Electric Company ("PG&E"), only two of which were proposed by the Court. Although not a party to this proceeding, the California Public Utilities Commission ("CPUC") carries substantial California Constitutional and statutory regulatory and enforcement authority over PG&E, which will continue after PG&E's probationary term with the Court ends.

The CPUC does not object to new proposed terms of probation 11 and 12, as modified by PG&E and the Government, but the CPUC does have concerns about the efficacy of the probationary conditions proposed by *Amici* Alex Cannara and Gene A. Nelson. Specifically, the CPUC believes they may be redundant or counterproductive in light of the CPUC's recent orders and the Wildfire Safety Division's oversight and improvement efforts already in progress.

To the extent the Court is considering adopting *Amici's* proposed terms of probation, the CPUC asks the Court for an additional two weeks to consider the proposed conditions and report its recommendations to the Court. If the Court is not inclined to adopt *Amici's* proposed terms, the CPUC would not seek further comment.

Respectfully,

/s/ Christine Jun Hammond

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Attorneys for the CALIFORNIA PUBLIC UTILITIES
COMMISSION

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15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 vs.

20 PACIFIC GAS AND ELECTRIC COMPANY,

21 Defendant.

Case No. 14-cr-00175-WHA

**CPUC CERTIFICATE OF SERVICE
RE MOTION FOR LEAVE TO FILE
AMICUS LETTER**

Hearing Date: 02/03/2021

Time: 8:00 am

Courtroom: 12, 19th Floor

Judge: Hon. William H. Alsup

1 I am a citizen of the United States, over 18 years of age, employed in
2 the City and County of San Francisco, and not a party to the subject cause. My
3 business address is the California Public Utilities Commission, Legal
Division, 505 Van Ness Avenue, San Francisco, California 94102.

4 On February 2, 2021, I sent the following documents:

- 5
- 6 1. **CPUC MOTION FOR LEAVE TO FILE AMICUS LETTER;**
 - 7 2. **CPUC CERTIFICATE OF SERVICE RE MOTION FOR**
8 **LEAVE TO FILE AMICUS LETTER**

9 to the following interested parties by email:

10
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 2, 2021, at San Francisco, California.

By: /s/ Christofer C. Nolan

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UTILITIES COMMISSION